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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,001	07/30/2001	Ulrich Boelkens	A34440 071308.0198	9762

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EXAMINER

LIU, JOSHUA C

ART UNIT PAPER NUMBER

2121

DATE MAILED: 04/06/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.		Applicant(s)	
	09/918,001		BOELKENS ET AL.	
	Examiner		Art Unit	
	Joshua C Liu		2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9 and 12-18 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amended claims 1-9 and new claims 12-18 have been examined.
2. This action is made FINAL.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 12/22/2003 was filed after the mailing date of the Application on 07/30/2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

5. The drawings are objected to because:

- Fig. 2-3 contain misspelled annotations.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claims 1, 4, and 12 are objected to because of the following informalities:
 1. Claim 1 recites "comprising the steps:" on L. 2. The Examiner suggests the following correction: "comprising the steps of."

2. Claim 1 recites "for each selected object oriented function" on L. 6, which has antecedent basis. The Examiner suggests the following correction: "for each of the selected objected oriented function".
3. Claim 1 recites "from the compiled object oriented function" on L. 8, which has no antecedent basis.
4. Claim 4 is objected to because it depends on rejected claim 1.
5. Claim 12 recites "for each selected object oriented function" on L. 6, which has antecedent basis. The Examiner suggests the following correction: "for each of the selected objected oriented function".
6. Claim 12 recites "for the open drive regulator" on L. 9, which has no antecedent basis.

Response to Arguments

7. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3 and 5-9, and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai et al (US Patent Number 6,334,076; Issued 12/25/2001) in view of Nakai et al (US Patent Publication Number 2001/0056306; Filed 5/1/2001).

Claim 1

Claim 1 recites

A method for generating software for an open drive regulator, comprising the steps of:

- a) providing a plurality of objected oriented functions, wherein each object oriented function comprises a standardized software interface;
- b) selecting at least one object oriented function;
- c) compiling code for each selected object oriented function separately;
- d) linking each of the selected object oriented function to generate the software for the open drive regulator from the compiled object oriented functions.

➤ Regarding claim 1, Sakurai teaches a method for generating software for computer controlled systems, comprising:

- b) (Sakurai Col 2 L. 24-28, "A desired combination... of graphics information.")
- c) (Sakurai Col 2 L. 24-29, "A desired combination... program function.")
- d) (Sakurai Col 2 L. 29-33, "These customized modules... load module program.").

However, Sakurai does not teach that the functions are object oriented and comprises a standardized software interface. Nakai teaches a method for generating software by using object oriented functions, and each of the functions comprises a standardized interface (Nakai Fig. 1, 7A-B, 8, and 9-11; Pg. 2-3), -- which allows the user to develop software in a simple and easily understood manner (Nakai Pg. 2-3). Therefore, it would have been obvious to one of ordinary skill to modify Sakurai, in view of Nakai, by generating software using object oriented functions, and each of the functions comprises a standardized interface.

Claim 2

- Regarding claim 2, see §103 rejection for claim 1, *supra*, and (Nakai Pg. 2-3), -- which allows the user to develop software in a simple and easily understood manner (Nakai Pg. 2-3). Therefore, it would have been obvious to one of ordinary skill to modify Sakurai, in view of Nakai, by providing customer-specific object oriented functions having standardized software interface.

Claim 3

- Regarding claim 3, see §103 rejection for claim 1, *supra*, and (Nakai Pg. 5), -- which allows the user to develop software in a simple and easily understood manner (Nakai Pg. 2-3). Therefore, it would have been obvious to one of ordinary skill to modify Sakurai, in view of Nakai, by having each objected oriented function comprise parameters, alarms messages, initialization routines, and test scripts.

Claim 5

- Regarding claim 5, see §103 rejection for claim 1, *supra*, and (Nakai Pg. 1), -- which allows the user to develop software in a simple and easily understood manner (Nakai Pg. 2-3). Therefore, it would have been obvious to one of ordinary skill to modify Sakurai, in view of Nakai, by initializing each selected object oriented function with either a default values or customized values depending on a selection by a user.

Claim 6

- Regarding claim 6, see §103 rejection for claim 2, *supra*, and (Nakai Pg. 4), -- which allows the user to develop software in a simple and easily understood manner (Nakai Pg. 2-3). Therefore, it would have been obvious to one of ordinary skill to modify Sakurai, in view of Nakai, by providing the customer specific object oriented function through a communication bus.

Claim 7

- Regarding claim 7, see §103 rejection for claim 1, *supra*, and (Sakurai Abstract L. 3-4, "A number of general... prepared beforehand."; Col 6 L. 62-Col 7 L. 1, "The assembler source... for each plant."; Col 10 L. 41-44, "The assembler source... was read."; Col 10 L. 65-67, "Therefore, by using... without compiling.").

Claim 8

- Regarding claim 8, see §103 rejection for claim 1, *supra*, and (Sakurai Col 18 L. 13-16, "The file stores... as one unit.").

Claim 9

- Regarding claim 9, see §103 rejection for claim 1, *supra*, and (Sakurai Fig. 1 Element 3; Col 5 L. 15-17, "As described above,... in the floppy disk.").

Claim 12

Claim 12 recites

A method for generating software for an open drive regulator, comprising the steps of:

- a) providing a plurality of objected oriented functions, wherein each object oriented function comprises a standardized software interface;
- b) selecting at least one object oriented function;

c) compiling code for each selected object oriented function separately;
d) linking each of the selected object oriented function to generate the software for the open drive regulator from the compiled object oriented functions.

- Regarding claim 12, Sakurai teaches a system for generating software for computer controlled systems, comprising:
 - b) (Sakurai Col 2 L. 24-28, "A desired combination... of graphics information.")
 - c) (Sakurai Col 2 L. 24-29, "A desired combination... program function.")
 - d) (Sakurai Col 2 L. 29-33, "These customized modules... load module program.").

However, Sakurai does not teach that the functions are object oriented and comprises a standardized software interface. Nakai teaches a method for generating software by using object oriented functions, and each of the functions comprises a standardized interface (Nakai Fig. 1, 7A-B, 8, and 9-11; Pg. 2-3), -- which allows the user to develop software in a simple and easily understood manner (Nakai Pg. 2-3). Therefore, it would have been obvious to one of ordinary skill to modify Sakurai, in view of Nakai, by generating software using object oriented functions, and each of the functions comprises a standardized interface.

Claim 13

- Regarding claim 13, see §103 rejection for claim 12, *supra*, and (Sakurai Fig. 2-3).

Claim 14

- Regarding claim 14, see §103 rejection for claim 12, *supra*, and (Sakurai Fig. 1-3 and 18; Col. 4-7).

Claim 15-17

- Regarding claim 14, see §103 rejection for claim 12, *supra*, and (Nakai Fig. 5A-C; ¶73, ¶85-89), -- so that the user can develop the program for controlling the devices with the "Plug and Play" function in a simple manner (Nakai ¶87).

Claim 18

- Regarding claim 18, see §103 rejection for claim 14, *supra*.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua C Liu whose telephone number is (703) 305-6435. The examiner can normally be reached on Monday-Friday, 8:30am-5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri can be reached on (703) 305-0282. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

jl

A handwritten signature in black ink, appearing to read 'Anil Khatri', with a stylized flourish extending from the end.

ANIL KHATRI
SUPERVISORY PATENT EXAMINER